

Patent Application Serial No. 09/995,913 -7-
Reply to August 25, 2005 Office Action

Docket No. 1232-4789

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Status

Claims 1-16 are pending in this application. Claims 1-16 are rejected. Claims 1, 8, and 16 are independent in form. Claims 1 is are amended herein; support for this amendment is found throughout the specification and drawings, as originally filed, for example at page 16, lines 6-12. Claim 15 is amended herein to depend from claim 8. No new matter has been added these amendments.

Information Disclosure Statement

The Examiner asserts that the Information Disclosure Statement that was purportedly filed on November 30, 2005 fails to comply with the provisions of 37 C.F.R. §§ 1.97, 1.98 and MPEP § 609 because the Form PTO-1449 is missing. However, Applicant has, to date, not filed any Information Disclosure Statements in this case. If any IDS has been incorrectly associated with this case, Applicant respectfully requests that it be removed.

Claim Rejections – 35 U.S.C. § 101

Claim 15 is rejected under 35 U.S.C. § 101, because the claimed invention is allegedly directed to non-statutory subject matter. Claim 15 is amended herein in a format believed to define statutory matter and overcome this rejection under 35 U.S.C. § 101. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 15 35 U.S.C. § 101.

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Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsui et al., U.S. Patent No. 6,539,054 B1 ("Matsui"). Applicant respectfully disagrees with the characterization of the claims and prior art in the stated rejection and respectfully traverses this rejection.

The Examiner contends that Matsui discloses a "data processing apparatus for decoding and reproducing object data separated from a coded bit stream including at least object data of moving image and audio, based on first time information for synchronization management of the moving image and audio included in the object data" in FIG. 1 and at col. 1, lines 29-33.

In the cited section, Matsui discloses:

In recent years, we have greeted the age of "multimedia" which handles audio, video, and other data integrally. Conventional information media such as newspapers, magazines, televisions, telephones, radios, and telephones, have been adopted as the subjects of the multimedia. In general, the multimedia represents graphics, speeches, and especially images, as well as characters in relation with each other. In order to handle the conventional information media as the subject of the multimedia, it is essential that information of the conventional information media be represented in a digital format.

Matsui at col. 1, lines 29-33

In this section, which discusses the background of Matsui's invention, Matsui merely discloses that multimedia data combines audio, video, and other data, which is represented in a digital format. Further, this section does not provide any details related to the system depicted in FIG. 1. Moreover, FIG. 1 fails to disclose "object data of moving image *and audio*" as required by claim 1. That is, FIG. 1 fails to disclose object data for audio.

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The Examiner further contends that Matsui discloses a "time information acquiring means for acquiring second time information for synchronization management of the moving image and audio" in reference numeral 11 of FIG. 1 and at col. 21, lines 47-54.

In the cited section, Matsui discloses:

The image output apparatus 110 includes, like the conventional image output apparatus 1160 shown in FIG. 18, a separator 11 for selecting packets of the first and second objects from a multiplexed bit stream Bs having a data structure shown in FIG. 16(a) which has been received through a transmission line of a network N, and extracting time stamps Ts1 and Ts2 of encoded video object data E1 and E2 of the respective objects.

Matsui at col. 21, lines 47-54

Regarding the separator 11, Matsui further discloses:

When the bit stream Bs including packets which contains encoded *video object data* corresponding to the first and second objects is input to the image output apparatus 110 through the transmission line on the network N, the separator 11 selects the packets of the first and second objects and outputs the encoded *video object data* E1 and the time stamp Ts1, and the encoded video object data E2 and the time stamp Ts2, to the first and second decoders 11a and 11b, respectively. (emphasis added)

Matsui at col. 22, line 63 – col. 23, line 5.

Thus, Matsui merely discloses that the bit stream Bs contains video object data for a first and a second object. That is, Matsui fails to teach or suggest that the separator 11 operates on audio data. Thus, Matsui fails to teach or suggest a "data processing apparatus for decoding and reproducing object data separated from a coded bit stream including at least object data of moving image and audio," as required by claim 1.

Moreover, Matsui fails to teach or suggest the claimed "time information acquiring means for acquiring second time information for synchronization management of the

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moving image and audio" as required by claim 1. Consequently, Matsui necessarily also fails to disclose a "setting means for setting the second time information acquired by the time information acquiring means, as the first time information" and a "decoding means for decoding the object data, using said second time information" as required by claim 1.

Nonetheless, Applicant amends independent claim 1 herein to more particularly recite the claimed subject matter. Matsui fails to teach or suggest a "time information calculating means for calculating second time information for synchronization management of the moving image and audio, based on a speed conversion request from the outside" as required by independent claim 1. Independent claims 8 and 16 are believed to define patentable subject matter for similar reasons.

Applicant respectfully submits that the present invention as claimed is neither taught nor suggested by, and therefore neither anticipated by nor rendered obvious in view of, Matsui taken individually or in combination with the other prior art of record. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Matsui.

Dependent claims 6 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsui in view of Kato, U.S. Patent No. 6,584,125 B1 ("Kato"). Applicant respectfully disagrees with the characterization of the claims and prior art in the stated rejection and respectfully traverses this rejection.

Kato fails to cure the above-stated deficiencies of Matsui regarding independent claims 1 and 8, from which claims 6 and 13 depend, respectively. Applicant respectfully submits that the present invention as claimed is neither taught nor suggested by, and therefore neither anticipated by nor rendered obvious in view of, Matsui or Kato, taken individually or in

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combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Matsui in view of Kato.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

In the event that an extension of time is required to render this filing timely, such extension is respectfully petitioned and the Commissioner is hereby authorized to charge any additional fees or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4789.

Respectfully submitted,
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Dated: November 21, 2005

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